



DEP & REF
ROOM #1307
PATENT
P53821C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 23 AM 10:41

In re Application of:

RICHARD G. HYATT, JR.

Serial No.: 08/720,070

Examiner : BARRETT, SUZANNE DINO

Filed: 27 September 1996

Art Unit: 3676

For: ELECTROMECHANICAL CYLINDER PLUG

REQUEST FOR REFUND

Mail Stop : 16

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir :

Applicants respectfully request refund of \$110.00 under fee code [1251] overcharged on 16 December 2003 in the above-referenced application for the reason as follows:

1. On 13 June 2003, a final Office action (Paper No. 53) was mailed.
2. On 14 July 2003, Applicant filed a Response to Paper No. 53. No fee was incurred for filing the Response to Paper No. 53.
3. On 30 July 2003, a Supplemental Response was filed. No fee was incurred for filing the Supplemental Response.
4. On 3 October 2003, Advisory Action (Paper No. 56) was mailed. In Paper No. 56, the Examiner checked the box (b) for Period for Reply indicating that "the period for reply expires on: (1) the mailing date of the Advisory Action, or (2) the date set forth in the final rejection, whichever is later." Therefore, Applicant set 3 October 2003 as the time period for response to Paper No. 53 and Paper No. 56.
5. On 3 December 2003, Applicant filed Notice of Appeal with a Petition for Two-

month Extension of Time, a fee of \$165.00 for filing a Notice of Appeal for Small Entity and a fee of \$210.00 for two-month extension of time for Small Entity in the U.S. Patent & Trademark Office (Check No. 45031).


6. On 16 December 2003, the amount of \$110.00 under fee code [1251] has been charged to the Applicant's undersigned Attorney's Deposit Account No. 02-4943.

In view of the above, Applicant filed a Petition for Two-month Extension of Time properly on 3 December 2003, and therefore, the amount of \$110.00 under fee code [1251] overcharged on 16 December 2003 was not necessary.

Accordingly, the Commissioner is respectfully requested to immediately refund \$110.00 under fee code [1251] overcharged on 16 December 2003 into Applicant's undersigned attorney's Deposit Account No. 02-4943.

Please refer the attached documents for the above-referenced patent application.

Respectfully submitted,


Robert E. Bushnell
Attorney for Applicant
Reg. No.: 27,774

1522 K Street, N.W. Suite 300
Washington, D.C. 20005-1202
(202) 408-9040

Folio: P53821C

Date: 5/26/04

ID: REB/sb

Enclosures: 1) A copy of Advisory Action (Paper No. 56) mailed on 3 October 2003
2) A copy of Notice of Appeal, Petition for Two-month Extension of Time, Fee transmittal and check No. 45031 filed on 3 December 2003
3) A copy of postcard receipt stamped 3 December 2003
4) A copy of Monthly Statement of Deposit Account dated 31 December 2003



UNITED STATES PATENT AND TRADEMARK OFFICE

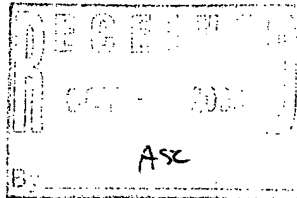
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

177 MAY 28 AM 10:41

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/720,070	09/27/1996	RICHARD G HYATT JR.	P53821C	1185

7590 10/03/2003

ROBERT E BUSHNELL,
ATTORNEY-AT-LAW
1522 K STREET, N.W. SUITE 300
WASHINGTON, DC 200051202



EXAMINER

BARRETT, SUZANNE LALE DINO

ART UNIT PAPER NUMBER

3676

DATE MAILED: 10/03/2003

A.A.

Expiry 3 November 2003
Expiry 3 December 2003
Expires 13 December 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

COPY



Advisory Action

Application No.

08/720,070

Applicant(s)

HYATT, RICHARD G

Examiner

Suzanne Dino Barrett

Art Unit

3676

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

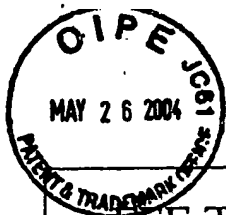
Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Suzanne Dino Barrett
Primary Examiner
Art Unit: 3676



Approved for use through 9/30/2003
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL

Patent fees are subject to annual revision.

COPY

Complete If Known

Application Number	08/720,070
Filing Date	27 September 1996
First Named Inventor	Richard G. Hyatt, Jr.
Examiner Name	BARRETT, SUZANNE DINO
Group/Art Unit	3627
Attorney Docket No.	PS3821C

TOTAL AMOUNT OF PAYMENT (\$)375.00

METHOD OF PAYMENT (check one)

☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number: 02-4943
Deposit Account Number: _____

☐ Charge Any Additional Fee Required Under 37 C.F.R. §1.16 and 1.17.

☐ Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:

(CHECK #45031)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	\$
1002	340	2002	170	Design filing fee	\$
1003	530	2003	265	Plant filing fee	\$
1004	770	2004	385	Reissue filing fee	\$
1005	160	2005	80	Provisional filing fee	\$

SUBTOTAL (1) (\$)00

2. EXTRA CLAIM FEES

	Extra Claims	Fee from below	Fee Paid
Total claims	-20** =	x	=
Independent Claims	-3** =	x	=
Multiple Dependent			=

** or number previously paid, if greater; For Reissues, see below

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1201	86	2201	43	Independent claims in excess of 3
1202	18	2202	9	Claims in excess of 20
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)0.00

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge-late filing fee or oath	\$
1052	50	2052	25	Surcharge-late provisional filing fee or power sheet	\$
1053	130	1053	130	Non-English specification	\$
1812	2,520	1812	2,520	For filing a request for examination	\$
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	\$
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	\$
1251	110	2251	55	Extension for reply within first month	\$
1252	420	2252	210	Extension for reply within second month	\$210.00
1253	950	2253	475	Extension for reply within third month	\$
1254	1,480	2254	740	Extension for reply within fourth month	\$
1255	2,010	2255	1,005	Extension for reply within fifth month	\$
1401	330	2401	165	Notice of Appeal	\$165.00
1402	330	2402	165	Filing a brief in support of an appeal	\$
1403	290	2403	145	Request for oral hearing	\$
1451	1,510	1451	1,510	Petition to institute a public use proceeding	\$
1452	110	2452	55	Petition to revive - unavoidable	\$
1453	1,330	2453	665	Petition to revive - unintentional	\$
1501	1,330	2501	665	Utility issue fee (post-grant)	\$
1502	480	2502	240	Design issue fee	\$
1503	640	2503	320	Plant issue fee	\$
1460	130	1460	130	Petitions to the Commissioner	\$
1807	50	1807	50	Processing fee for provisional applications	\$
1806	180	1806	180	Submission of Information Disclosure Statement	\$
8021	40	8021	40	Recording each patent: assignment per property (Times number of properties)	\$
1809	770	2809	385	Filing a submission after final rejection (37 C.F.R. §1.129(a))	\$
1810	770	2810	385	For each additional invention to be examined (37 C.F.R. §1.129(b))	\$
1801	770	2801	385	Request for Continued Examination (RCE)	\$
Other Fee (specify) _____					\$
Other Fee (specify) _____					\$

** Reduced by Basic Filing Fee Paid

SUBTOTAL (3) \$375.00

SUBMITTED BY

Complete (if applicable)

Typed or Printed Name	Robert E. Bushnell, Esq.			Reg. Number	27,774
Signature		Date	3 December 2003	Deposit Account User ID	

REB/wc

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



45031

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

CITIBANK, F.S.B.
WASHINGTON, D.C. 20036-0867

15-7011/2540

12/3/2003

\$ **375.00

DOLLARS

P53821C(Small Entity)

MEMO

Notice of Appeal & 2xot Fee - SN.: 08/720.070

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1513

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SECURITY FEATURES INCLUDED-DETAILS ON BACK

PAY TO THE ORDER OF
Commissioner Of U.S. Patent & Trademark

Three Hundred Seventy-Five and 00/100
Commissioner Of U.S. Patent & Trademark
Washington D.C. 20231

00-10-105028

2004 MAY 26 AM 10: 41



DIVISION

PATENT
P53821C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

RICHARD G. HYATT, JR.

COPY

Serial No.: 08/720,070

Examiner: BARRETT, SUZANNE DINO

Filed: 27 September 1996

Art Unit: 3627

CPA filed on 8 July 1999

For: ELECTROMECHANICAL CYLINDER PLUG

PETITION FOR EXTENSION OF TIME

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COPY

Sir:

Pursuant to 37 C.F.R. §1.136(a), please extend the time for responding to Advisory action mailed on 3 October 2003, **for two months to and through 3 December 2003.** A second-month fee in the amount of \$210.00 is enclosed. Should any additional fees be required under 37 C.F.R. §1.16 or 37 C.F.R. §1.17, please charge them to our Deposit Account No. 02-4943 and advise us accordingly. Also, should any additional time be required, please accept this as a petition for such additional extension of time and charge our Deposit Account 02-4943 and advise us accordingly.

Respectfully submitted,

Robert E. Bushnell, Esq.
Reg. No.: 27,774

1522 "K" Street, N.W., Suite 300
Washington, D.C. 20005
Area Code: 202-408-9040
Folio: P53821C
Date: 3 December 2003
I.D.: REB/wc



PATENT
P53821C
DIVISION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

RICHARD G. HYATT, JR.

Serial No.: 08/720,070

Examiner: BARRETT, SUZANNE DINO

Filed: 27 September 1996
CPA filed on 8 July 1999

Art Unit: 3627

For: ELECTROMECHANICAL CYLINDER PLUG

NOTICE OF APPEAL

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

COPY

Pursuant to 37 C.F.R. §1.191, Applicant hereby appeals to the Board of Patent Appeals from the final rejection dated 13 June 2003 (Paper No. 53) of claims 1-24, 34-38, 46-52, 54, 56, 64-70, 75-77, 85, 88-106, 108, 109, 111-116, and 119-121.

In support of the Notice, the items checked below are appropriate:

- ☐ 1. A response to the final rejection is being filed.
- ☒ 2. Appeal Fee: \$165.00
- ☒ 3. A Petition for Extension of Time along with the fee of \$210.00 to extend the time to respond to the Advisory action (Paper No. 56) mailed 3 October 2003 to and through 3 December 2003.
- ☒ 4. Enclosed (a check for \$375.00)
- ☒ 5. Charge Deposit Account No. 02-4943, if the charges exceed the check amount enclosed.

Respectfully submitted,

Robert E. Bushnell
Reg. No.: 27,774

1522 "K" Street, N.W., Suite 300
Washington, D.C. 20005
(202) 408-9040
Folio: P53821C
Date: December 3, 2003
I.D.: REB/wc



INTELLIGENCE
DIVISION

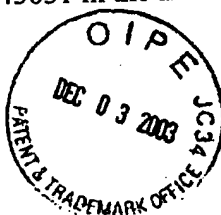
P53821C

3 December 2003

MAY 23 10 41

Applicant: RICHARD G. HYATT Jr.
Serial No.: 08/720,070
Filed: 27 September 1996
For: ELECTROMAGNETIC CYLINDER PLUG

1. Notice of Appeal
2. Petition for Extension of Time
3. Fee Transmittal and check no. 45031 in the amount of \$375.00



COPY



UNITED STATES
PATENT AND
TRADEMARK OFFICE



07/15/03

MONTHLY STATEMENT
OF DEPOSIT ACCOUNT

To replenish your deposit account, detach and return top portion with your check. Make check payable to Director of Patents & Trademarks.

ROBERT E BUSHNELL ESQ
ROBERT E. BUSHNELL
1522 "K" STREET, N.W.
SUITE 300
WASHINGTON DC 20005

FINA

Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
www.uspto.gov

Account No. 024943
Date 12-31-03
Page 1

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Chicago, IL 60673

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
12	1	03	117	125116		8513	50.00	21664.41
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12	15	03	462	PCT/US03/37086	P56907-INT	1707	190.00	21524.41
12	15	03	464	PCT/US03/37086	P56907-INT	8007	60.00	21464.41
12	15	03	5	09419300	P5382TC	1251	110.00	21354.41
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12	18	03	41	09909864	P56312	1251	-110.00	21644.41
12	19	03	268	125116	T4702	8508	100.00	21544.41
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12	30	03	192	76229324		8513	50.00	21594.41
12	30	03	193	76229324		8513	50.00	21544.41
AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT					OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
					21714.41	760.00	590.00	21544.41